

## **DECISION MEMORANDUM**

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE**

**FROM: CAROLEE HALL**

**DATE: APRIL 21, 2014**

**RE: APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE  
INTERCONNECTION AGREEMENT BETWEEN QWEST  
CORPORATION DBA CENTURYLINK QC ("CENTURYLINK") AND  
SPRINT SPECTRUM L.P. ("SPRINT"); CASE NO. QWE-T-02-21.**

### **BACKGROUND**

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements "may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c)." Order No. 28427 at 11 (emphasis in original). This comports with the FCC's statement that "a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51]." 47 C.F.R. § 51.3.

### **CURRENT APPLICATION**

CenturyLink and Sprint filed their joint Application for an amendment to their Interconnection Agreement on April 11, 2014. See Case No. QWE-T-02-21. In the Application, the parties state that this joint filing contains terms and conditions for Bill and Keep. According

to the parties the terms of Bill and Keep were established by the Federal Communications Commission in Docket No. 01-92 *In the Matter of Developing a Unified Inter-carrier Compensation Regime*. In its Order, the FCC changed the current state of applicable law with respect to, among other things, requirements surrounding the exchange of traffic between providers.

#### **STAFF ANALYSIS AND RECOMMENDATION**

Staff has reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes the Amendment to the original Interconnection Agreement comports with FCC Orders and is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the filing merits the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?

  
Carolee Hall

iudmemos/ Interconnection Agreements/QWE-T-02-21 CenturyLink and Sprint Spectrum Amendment to an Interconnection Agreement